IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 510 OF 1990

Shri C.C. Nagpure,
Asstt.Collector of Customs. .. Appellant

versus

Vrajlal Bhanji Dhakan & Anr. .. Respondents

...

None for the appellant.

Mr.S.B. Shetye for the respondents.

CORAM : V.M. KANADE, J

DATED : 29th October 2004.

ORAL ORDER:-

1. None for the appellant. With the assistance of the learned APP appearing on behalf of the State, I have perused the judgement and order passed by the Addl.Chief Metropolitan Magistrate dated 28th April 1989. In the present case, the trial Court has observed that the purity of the ornaments has not been proved by the prosecution and as such, gold ornaments

which are having purity of less than 9 carats are not covered under the Gold Control Act. The prosecution also did not get seized gold and gold ornaments as analysed from the Government of India. Thus, there is a serious lacunae in the prosecution case.

2. There is no merit in the appeal. There is no reason to interfere with the judgement and order passed by the trial Court.

3. Appeal is dismissed.

V.M. KANADE, J